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PROPOSED REVISIONS TO THE MEDIUM-TERM PLAN FOR THE PERIOD 1992-1997*

MAJOR PROGRAMME V. INTERNATIONAL COOPERATION FOR SOCIAL DEVELOPMENT

Programme 29. Crime prevention and criminal justice

1. The preparation, format and content of the medium-term plan and its revisions are governed by the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (ST/SGB/PPBME Rules/1(1987)).

2. Regulation 3.11 provides, inter alia, that the medium-term plan shall be revised as necessary every two years to incorporate required programme changes and that the proposed revisions shall be as detailed as required to incorporate the programme implications of the resolutions and decisions adopted by the intergovernmental organs or international conferences since the adoption of the plan.

3. The revisions proposed below modify the relevant parts of the narrative of programme 29, Crime prevention and criminal justice, of the medium-term plan for the period 1992-1997, which was adopted by the General Assembly in its resolution 45/253 of 21 December 1990 and issued in document A/45/6/Rev.1. The revisions were reviewed by the Commission on Crime Prevention and Criminal Justice at its first session in April 1992.

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* After adoption by the General Assembly at its forty-seventh session, the complete revised medium-term plan will be issued in final printed form as Official Records of the General Assembly, Forty-seventh Session, Supplement No. 6 (A/47/6/Rev.1).

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4. The following text modifies paragraphs 29.1, 29.3, 29.4, 29.7, 29.10 to 29.13, 29.16 to 29.20, 29.23 to 29.27 and 29.30 to 29.32 of A/45/6/Rev.1.

A. Programme

Paragraph 29.1

Insert new paragraph 29.1 as follows and renumber the following paragraphs accordingly:

"29.1 The General Assembly, in its resolution 46/152 of 18 December 1991, adopted the statement of principles and programme of action recommended by the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme. In accordance with these new mandates, the general orientation of the programme will be to assist the international community in meeting its pressing needs in the field of crime prevention and criminal justice and to provide States with timely and practical assistance in order to achieve the goals of preventing crime within and among States and of improving the response to crime. The Commission on Crime Prevention and Criminal Justice will provide policy guidance to the programme."

Paragraphs 29.1, 29.3, 29.4, 29.7 and 29.10-29.12

Replace existing paragraphs 29.1, 29.3, 29.4, 29.7, 29.10 to 29.12 with the following:

[29.1]

"29.2 Existing mandates for the crime prevention and criminal justice programme are based on a number of declarations, instruments, standards and guidelines endorsed by the General Assembly on the basis of recommendations by the quinquennial United Nations Congresses on the Prevention of Crime and the Treatment of Offenders. Growing concern about the escalation of crime, especially in its new forms and transnational dimensions, and increasing government demands for more effective action led to the adoption by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1985) of the Milan Plan of Action, approved by the General Assembly in its resolutions 40/32 to 40/36. The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990) adopted a number of instruments which were welcomed by the General Assembly in its resolution 45/121. On the recommendation of that Congress, the Assembly adopted a number of model treaties and other recommendations in its resolutions 45/107 to 45/119. It also adopted resolutions 45/122, on criminal justice education, 45/123, on international cooperation in combating organized crime, 45/166, on human rights in the administration of justice, and 46/152, on the creation of an effective United Nations crime prevention and criminal justice programme."

[29.3] "29.4 The programme will bring together the work of the Commission on Crime Prevention and Criminal Justice, the interregional and regional institutes for the prevention of crime and the treatment of offenders, the network of government-appointed national correspondents in the field of crime prevention and criminal justice, the global crime and criminal justice information network and the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders. The programme will be implemented by the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna. The programme will provide major substantive input and services for the meetings of the relevant United Nations bodies, that is, six sessions of the Commission on Crime Prevention and Criminal Justice (annually 1992-1997) and the Ninth United Nations Congress (1995)."

[29.4] "29.5 The growing internationalization of crime must generate prompt and commensurate responses. Organized crime is exploiting the relaxation of border controls designed to foster legitimate trade and, hence, development. Methods are needed to fight transborder crime, in order to prevent transnational offenders from exploiting loopholes in the various legal systems and the differences between them and to deprive them of their illicit profits, while maintaining the rule of law, guaranteeing due process in every phase of criminal justice and promoting the fundamental principles of good government. A major effort will be made, in this connection, to provide practical assistance to States in undertaking the requisite action to integrate and consolidate their efforts in preventing and combating transnational crime; strengthen their respective national agencies; implement United Nations instruments, norms and guidelines; and promote the highest standards of fairness, humanity, justice and professional conduct."

[29.7] "29.8 Similarly, efforts towards implementation of existing instruments will be enhanced and further consolidated as a cornerstone of more effective practice at the national level, through strengthened international cooperation. Further development and promotion of international instruments will be undertaken, as appropriate, under the guidance of the Commission on Crime Prevention and Criminal Justice."

[29.10] "29.11 In the implementation of the programme, close collaboration will be maintained with the United Nations Development Programme and the Centre for Human Rights, the Department of Economic and Social Development, the Office of Legal Affairs, the United Nations Interregional Crime and Justice Research Institute and the regional institutes

for the prevention of crime and the treatment of offenders. In addition, coordination with relevant agencies of the United Nations system will be strengthened."

[29.11] "29.12 The programme on crime prevention and criminal justice will consist of the following subprogrammes:

Subprogramme 1. Operational activities, planning and overall coordination

Subprogramme 2. Collaborative action against transnational crime

Subprogramme 3. Crime prevention and criminal justice management

Subprogramme 4. Crime prevention and criminal justice standards and norms

These subprogrammes derive from the developments in recent years and the recommendations thereon of United Nations policy-making bodies. The Economic and Social Council, in its resolutions 1988/44, 1989/69, 1990/21 and 1991/15, and the General Assembly in its resolutions 44/71, 44/72, 45/107, 45/121, 45/123 and 46/152 called for intensified international collaboration and practical assistance to Member States, both developing and developed, against forms of criminality transcending national frontiers, including organized and economic crime, since they undermine social and economic institutions and claim increasing numbers of victims. Thus, the product delivery of the various components of the programme will be consolidated and streamlined, with emphasis on operational activities and advisory services. Efforts will also be made to ensure appropriate planning and coordination with relevant agencies and intergovernmental organizations (subprogramme 1). Existing methods of international cooperation against transnational and organized crime will be strengthened and new modalities explored, with the development of mechanisms for joint action on problem of mutual concern (subprogramme 2). Furthermore, the United Nations activities directed at assisting Governments in formulating policy options by conducting research and studies, improving management techniques, promoting implementation of international instruments and standard-setting in priority areas will be continued, under the guidance of the Commission on Crime Prevention and Criminal Justice (subprogrammes 3 and 4)."

[29.12] "29.13 Subprogrammes 1 and 2 are designated high priority."

B. Subprogrammes

Insert a new subprogramme 1 as follows and renumber the following subprogrammes and paragraphs accordingly:

"SUBPROGRAMME 1. OPERATIONAL ACTIVITIES, PLANNING AND OVERALL COORDINATION

"(a) Objectives

"29.14 The legislative authority for the subprogramme derives from General Assembly resolutions 45/107 and 46/152; Economic and Social Council resolutions 1990/19, 1990/24, 1991/15 and 1992/1; and Eighth United Nations Congress resolutions 4 and 5.

"29.15 The United Nations has been called upon to create the essential mechanisms for practical collaboration against common problems by setting up a framework for inter-State cooperation and coordination for information exchanges and the provisions of means of assistance, and to establish an adequate resource base for a truly effective programme. Accordingly, existing methods of international cooperation should be reviewed and operational activities, including advisory services and the work of the United Nations associated institutes, should be expanded, integrated and coordinated so as to improve overall planning, implementation and evaluation of future programme activities.

"29.16 The objectives of the subprogramme will be:

"(a) To provide timely and practical assistance to Member States in the field of crime prevention and criminal justice, with special emphasis on advisory services, training, exchange of information and innovative pilot and demonstration projects;

"(b) To promote and strengthen technical cooperation in matters connected with crime prevention and criminal justice, in particular with respect to efforts to improve the capability of States to deal with emerging forms of national and transnational criminality;

"(c) To mobilize support for the operational activities of the programme, including fund-raising, by maintaining reliable and effective channels of communication with Governments and integrating the contributions of the interregional and regional institutes in the programme;

"(d) To provide assistance in matters relating to crime prevention and criminal justice to United Nations special missions upon request;

"(e) To coordinate the external relations of the programme, by cooperating with other entities of the United Nations system that carry out activities relevant to the programme and maximizing the contributions of intergovernmental and non-governmental organizations, and of the professional and scientific community;

"(f) To assist the Commission in ensuring effective product delivery, evaluating programme performance and enhancing its impact.

"(b) Course of action of the Secretariat

"29.17 Major efforts will focus on the formulation, implementation and evaluation of crime prevention and criminal justice technical cooperation projects, in particular training and education, with the development of requisite material, manuals and curricula, and collaboration with academic institutions and other entities concerned. Emphasis will be given to experimental innovation via pilot and demonstration projects for the upgrading of skills of criminal justice personnel. Assessment of needs, strategic planning of programme activities and evaluation of product delivery will be regularly undertaken, so as to enable the Commission to monitor the progress achieved and review the overall impact of the programme.

"29.18 Advisory services and operational activities will be increased and new sources of funding will be identified, by maintaining direct contacts with Governments, the United Nations Development Programmme, as well as other funding agencies and the private sector. The work of the interregional and regional institutes will be fully integrated into the programme, as well as that of government-appointed national correspondents and other associated institutions promoting United Nations crime prevention and criminal justice policy. Overall coordination of programme activities will be exercised by the Secretariat in order to avoid duplication of efforts and disparity of approaches, also by strengthening the clearing-house and information exchange functions."

SUBPROGRAMME 2. COLLABORATIVE ACTION AGAINST TRANSNATIONAL CRIME

Paragraph 29.13 (new para. 29.19) — Add a reference to General Assembly resolutions 45/107, 45/115 to 45/118, 45/121, 45/123 and 46/152.

Paragraphs 29.16 and 29.17 (new paras. 29.22 and 29.23) — Replace paragraphs 29.16 and 29.17 with the following:

[29.16] "29.22 The objectives of the subprogramme are:

"(a) To strengthen regional and international cooperation aimed at preventing and combating crime, particularly in its most dangerous transnational dimensions, and to improve criminal justice administration by encouraging and responding to initiatives taken by Member States to promote concerted action;

"(b) To assist Member States in integrating and consolidating their efforts to prevent and combat transnational crime and to promote the fundamental principles of maintenance of the rule of law, sound public administration and good governance;

"(c) To elaborate effective strategies and practical arrangements for collaboration among the services concerned in preventing and controlling particularly noxious forms of criminality, such as organized crime, drug-trafficking, corruption, terrorism, environmental offences, including dumping of toxic waste, crimes against the cultural patrimony, money laundering, fraudulent operations and other serious economic crimes;

"(d) To help put into effect international strategies, model treaties and agreements designed to promote and facilitate the collaboration of States in criminal justice matters, including the elaboration of model legislation, and to formulate strategies, under the guidance of the Commission on Crime Prevention and Criminal Justice, that would consolidate action and enhance efforts aimed at transborder crime prevention and control.

[29.17]

"29.23 The General Assembly adopted several instruments designed to strengthen international cooperation in criminal matters (model treaties on mutual juridical assistance and on extradition, model agreements on the transfer of criminal proceedings and on the transfer of supervision of foreign offenders). Promotion and implementation of these instruments will receive primary attention."

Paragraph 29.18
(new para. 29.24)

Replace the second sentence with the following:

"At the same time, the Eighth Congress, with its theme of 'International cooperation for crime prevention and criminal justice for the twenty-first century', called for the development of new types of practical modalities to facilitate the collaboration of the various services concerned in dealing with problems of mutual concern."

Paragraph 29.19
(new para. 29.25)

Replace paragraph 29.19 with the following:

"29.25 The Secretariat will, therefore, collect and disseminate information designed to assist Governments in identifying the most serious crimes of a transnational nature, their patterns, extent, impact and ramifications, as a basis for action against those posing a common threat; promote the implementation of existing instruments; and foster increased reliance on model treaties and agreements for international cooperation, as

well as other practical arrangements for collaboration against transborder crimes at the international, regional, subregional and bilateral levels. In this context, advice will be provided to countries requesting it on modernization of legislation and procedures, tailored to different legal systems, cultures, traditions and special needs, including the elaboration of model laws and other prototypes."

SUBPROGRAMME 3. CRIME PREVENTION AND CRIMINAL JUSTICE MANAGEMENT

Paragraph 29.20 (new para. 29.26) — Add a reference to General Assembly resolutions 45/109 to 45/114, 45/121 and 46/152 and Economic and Social Council resolutions 1990/18, 1990/20 and 1990/24.

Paragraph 29.23 (new para. 29.29) — Replace paragraph 29.23 with the following:

"29.29 The objectives of the subprogramme are:

"(a) To further action-oriented research addressed at the formulation of national policies and programmes for the prevention and control of criminality as part of economic and social policy development;

"(b) To promote consistent, cost-effective, fair and humane crime prevention and criminal justice policies through the application of modern management techniques and recent advances in science and technology, including the use of computers;

"(c) To increase the awareness of Governments, especially their planning offices, of the importance to include crime prevention elements in national development plans and for ongoing collaboration with criminal justice agencies;

"(d) To provide advice on upgrading criminal justice statistical capabilities in order to permit data collection and analysis for rational decision-making, and increase public awareness of the social, economic and other costs of crime;

"(e) To provide an empirical basis for national and international efforts at crime prevention and control, by analysing crime trends, reporting on the measures taken and determining the areas of priority concern;

"(f) To develop and maintain a global criminal justice and crime prevention information network with a view to exchanging policy recommendations and research findings;

"(g) To encourage the responsiveness of crime prevention and criminal justice policies to local needs and traditions, utilizing indigenous mechanisms and community participation."

Paragraph 29.24 (new para. 29.30) — Replace the second sentence with the following:

"The fourth and subsequent world crime surveys will provide the principal sources of data for policy development."

Paragraph 29.25 (new para. 29.31) — Replace the last sentence with the following:

"Special emphasis will be placed on the promotion of collaborative initiatives between national planners and crime prevention specialists, including computerization of criminal justice administration and information, with a view to exchanging and disseminating policy recommendations and research findings."

Paragraph 29.26 (new para. 29.32) — Replace paragraph 29.26 with the following:

"29.32 On the basis of the assessment of criminal justice policies and needs derived from the periodical United Nations crime surveys, further areas for reform will be identified, leading to the preparation of manuals for a more effective criminal justice system management. The application of an integrated approach, permitting the subsystems of criminal justice to operate in harmony with each other, will be furthered to achieve greater efficiency and fairness, as will the application of new developments in science and technology, particularly the appropriate use of computers. Means of stimulating the regular generation of data, as a by-product of the system's operations and as a tool in decision-making, will be pursued, with emphasis on the development of data banks and information networks, facilitating comparative analysis and collaborative technical cooperation activities. Information collected in the course of those activities will be widely disseminated, nationally and internationally, to various segments of the criminal justice constituency, as well as the international community at large."

SUBPROGRAMME 4. CRIME PREVENTION AND CRIMINAL JUSTICE STANDARDS AND NORMS

Paragraph 29.27 (new para. 29.33) — Add a reference to General Assembly resolutions 45/110, 45/112, 45/113, 45/115, 45/121, 45/166, 46/120 and 46/152 and Economic and Social Council resolutions 1990/21, 1990/22 and 1990/29.

Paragraph 29.30 (new para. 29.36)

At the end of subparagraph (d), add ", particularly children and juveniles, under the guidance of the Commission on Crime Prevention and Criminal Justice".

Paragraph 29.31 (new para. 29.37)

Replace the second and last sentences respectively with the following:

"There are now about 20 United Nations instruments that require effective implementation, and their number has almost doubled in recent years."

"Special initiatives will be taken to familiarize criminal justice personnel with the United Nations standards and guidelines, making them available in a consolidated form, through a compendium."

Paragraph 29.32 (new para. 29.38)

Replace paragraph 29.32 with the following:

"29.38 Standard-setting may also be undertaken, as necessary, under the guidance of the Commission on Crime Prevention and Criminal Justice and in accordance with the recommendations of United Nations policy-making bodies. The new areas requiring standard-setting that have been identified in the above-mentioned recommendations include, inter alia, the status and protection of the human rights of prisoners and detainees, curtailing pre-trial detention, treatment of life-sentence prisoners, prison education, abolishing or decreasing the use of capital punishment, application of science and technology to crime prevention and criminal justice, and of informal social control mechanisms, such as mediation and conflict resolution, as a complement or alternative to criminal justice."